

**U.S. PROBATION OFFICE**  
**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**

**AMENDED PETITION FOR WARRANT FOR OFFENDER UNDER SUPERVISION**

**Name of Offender:** Robert Mark McPherson

**Docket Number:** 2:08-CR-38-014

**Name of Sentencing Judicial Officer:** The Honorable R. Leon Jordan  
United States District Judge

**Date of Original Sentence:** February 17, 2010

**Original Offense: Lesser included offense:** Conspiracy to Distribute and Possession with Intent to Distribute Five (5) Grams or More of Methamphetamine

**Class:** B Felony

**Criminal History Category:** II

**Original Sentence:** 60 months imprisonment, to be followed by four (4) years of Supervised Release

**Type of Supervision:** Supervised Release

**Original Date Supervision Commenced:** February 14, 2013

**Agreed Order of Revocation - January 7, 2016:** Six (6) months imprisonment, followed by three (3) years of Supervised Release in response to methamphetamine use and a new Public Intoxication charge

**Agreed Order of Revocation - April 5, 2017:** Ten (10) months imprisonment, followed by two (2) years of Supervised Release, in response to methamphetamine use

**Date Supervision Commenced:** October 27, 2017

**Date Supervision Expires:** October 26, 2019

**Assistant U.S. Attorney:** D. Wayne Taylor

**Defense Attorney:** Tim S. Moore

**Revocation Guideline Range:** 6 to 12 months

**Statutory Maximum:** 20 months

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**PETITIONING THE COURT**

AMENDED PETITION FOR WARRANT  
FOR OFFENDER UNDER SUPERVISION  
RE: Robert Mark McPherson

Page 2  
Docket Number: 2:08-CR-38-014

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- |   |   |
|---|---|
| 1 | <b>General Condition:</b> The defendant shall not commit another federal, state, or local crime.  |
| 2 | <b>General Condition:</b> The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court. |
| 3 | <b>Standard Condition No. 7:</b> The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.   |
| 4 | <b>Standard Condition No. 8:</b> The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.  |
| 5 | <b>Standard Condition No. 9:</b> The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.   |
| 6 | <b>Special Condition:</b> The defendant shall participate in a program of testing and/or treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as he is released from the program by the probation officer.  |

On April 30, 2018, the offender failed to report for a random drug screen. He reported for a drug screen on May 1, 2018, and tested presumptively positive for methamphetamine. He was instructed to report to the Crisis Stabilization Unit due to his extensive history of methamphetamine use. On May 7, 2018, the Court adopted this officer's recommendation to increase the offender's drug screening frequency and allow him the opportunity to remain on supervision and comply with the referral to substance abuse treatment.

Pursuant to Title 21 U.S.C. § 844, the offender committed the offense of Simple Possession by possessing the substances for which he tested positive. Additionally, pursuant to Title 21 U.S.C. § 844, if the offender commits Simple Possession after a prior conviction for any drug, narcotic, or chemical

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**AMENDED PETITION FOR WARRANT  
FOR OFFENDER UNDER SUPERVISION  
RE: Robert Mark McPherson**

**Page 3  
Docket Number: 2:08-CR-38-014**

offense chargeable under the law of any State, he shall be sentenced to a term of imprisonment for not less than 15 days, but not more than two (2) years. Mr. McPherson has a February 21, 2008, conviction for Possession of a Controlled Substance in Russell County, Virginia Circuit Court, Case Number CR07-9317.

On May 25, 2018, the offender again tested presumptively positive for methamphetamine. However, after informing the drug screening vendor that his last use was on April 27, 2018, well outside the accepted length of detection time for methamphetamine, the vendor neglected to send his sample to the lab for confirmation. While that probable drug use cannot be substantiated with evidence, that conduct is being included in this report for the Court's information. It should also be noted, that the offender tested presumptively negative for methamphetamine on May 9, 2018.

7       **General Condition:** The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

8       **Special Condition:** The defendant shall participate in a program of testing and/or treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as he is released from the program by the probation officer.

On June 13, and June 20, 2018, the offender failed to report for random drug screens.

9       **General Condition:** The defendant shall not commit another federal, state, or local crime.

10       **General Condition:** The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

11       **Standard Condition No. 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

AMENDED PETITION FOR WARRANT  
FOR OFFENDER UNDER SUPERVISION  
RE: Robert Mark McPherson

Page 4  
Docket Number: 2:08-CR-38-014

- 12 Standard Condition No. 8: The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 13 Standard Condition No. 9: The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

On July 19, 2018, at approximately 01:19 hours, Officer Nygaard with the Bristol City Police Department observed an orange motorcycle. A check of the registration revealed the owner, Robert McPherson, to possess an active full extradition arrest warrant from the U.S. Marshals Service for a probation violation. Upon approach, Officer Nygaard immediately detained him in handcuffs. Once the warrant was confirmed Officer Nygaard searched his person and found a white container. Inside, a baggie with crystal substance consistent with methamphetamine, four baggies, and a cut straw were found. Mr. McPherson admitted to the substance as being methamphetamine. He was charged with Possession of Methamphetamine and Unlawful Drug Paraphernalia.

**Assessment of Flight/Danger and Bond Recommendation:** Based on the offender's conduct while on supervision, including a continued and documented history of drug use, failure to appear for drug screens, and new charges of Possession of Methamphetamine, Mr. McPherson appears to be a risk of flight and a danger to the community. There appears to be no condition nor set of conditions that may mitigate the risk of danger his ongoing drug use poses to the community. Therefore, this officer respectfully recommends that he be detained pending a revocation hearing.

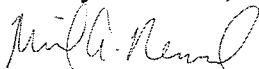
**Petitioning the Court to order:**

That the original Violation Petition filed against Mr. McPherson on June 26, 2018, be amended to include: Violation Numbers: Nine (9), ten (10), eleven (11), twelve (12), and thirteen (13).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 14, 2018.

Respectfully submitted,



Michael Ashley Newland  
United States Probation Officer

APPROVED:



2018.08.14 11:38:28  
-04'00'

Paul R. Harris  
Supervising United States Probation Officer

MAN:jdb

**AMENDED PETITION FOR WARRANT  
FOR OFFENDER UNDER SUPERVISION  
RE: Robert Mark McPherson**

**Page 5  
Docket Number: 2:08-CR-38-014**

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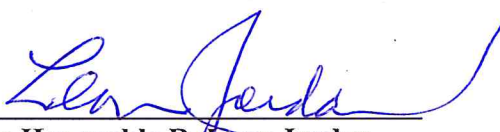
**ORDER OF COURT:**

That the original Violation Petition filed against Mr. McPherson on June 26, 2018, be amended to include: Violation Numbers: Nine (9), ten (10), eleven (11), twelve (12), and thirteen (13).

So ordered.

ENTER.

8-16-18

  
The Honorable R. Leon Jordan  
United States District Judge